

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

V.

Case Number: 14-CR-250

EUGENE A. DARKOW

USM Number: None

Thomas G. Wilmouth  
Defendant's Attorney

Matthew L. Jacobs  
Assistant United States Attorney

THE DEFENDANT pleaded guilty to counts two and three of the information.

**The defendant is adjudicated guilty of these offense(s):**

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
26 U.S.C. § 7203	Failure to Pay Income Taxes	April 15, 2010	Two
26 U.S.C. § 7203	Failure to Pay Income Taxes	April 15, 2011	Three

The defendant is sentenced as provided in Pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Counts one and four are dismissed on the motion of the United States.

IT IS ORDERED that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and the United States Attorney of material changes in economic circumstances.

Date of Imposition of Judgment  
June 1, 2015

s/ William C. Griesbach, Chief Judge, United States District Court  
Signature of Judicial Officer

June 2, 2015  
Date

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### **PROBATION**

The defendant is hereby sentenced to probation for a term of three (3) years as to each of counts two and three to run concurrently for a total term of three (3) years.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court. (REMOVE THIS CONDITION IF THERE IS A SPECIAL CONDITION REQUIRING TESTING).

- ☒ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense.
- ☐ The defendant shall participate in an approved program for domestic violence.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### **STANDARD CONDITIONS OF SUPERVISION**

1. the defendant shall not leave the state of Wisconsin without permission of the court or probation officer;
2. the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
3. the defendant shall answer truthfully all inquiries by the probation officer, subject to his Fifth Amendment right against self incrimination, and follow the instructions of the probation officer;
4. the defendant shall use his best efforts to find and hold lawful employment, unless excused by the probation officer for schooling, training, or other acceptable reasons;
5. the defendant shall notify the probation officer at least ten days prior to any change in his place of residence or employment. When such notification is not possible, the defendant shall notify the probation officer within 72 hours of the change;
6. the defendant shall permit a probation officer to visit him or her at reasonable times at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
7. the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

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### **ADDITIONAL SUPERVISION TERMS**

1. The defendant is to reside for a period of three months, annually, during the term of his probation in a community correctional center as directed by his probation officer. The defendant is to obey the rules of that facility and acknowledge in writing receipt of such rules.
2. The defendant must cooperate with the IRS in making regular restitution payments. The payments must be made to the Clerk of Court's office and the payments will be forwarded to the IRS.
3. The defendant shall not open new lines of credit, which includes the leasing of any vehicle or other property, or use existing credit resources without the prior approval of the supervising probation officer. After the defendant's court-ordered financial obligations have been satisfied, this condition is no longer in effect.
4. The defendant is to provide access to all financial information requested by the supervising probation officer including, but not limited to, copies of all federal and state tax returns. All tax returns shall be filed in a timely manner. The defendant shall also submit monthly financial reports to the supervising probation officer.
5. The defendant is to cooperate with the IRS and submit all delinquent tax returns and pay all back taxes and interest under the guidance and supervision of the supervising probation officer.

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**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on the attached page.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b><u>Totals:</u></b>	\$50.00	\$	\$557,813.93

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgement in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If a defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>**Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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Internal Revenue Service  
Appleton, WI

<b><u>Totals:</u></b>	\$	\$ 557,813.93
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- ☐ Restitution amount ordered pursuant to plea agreement: \$\_\_\_\_\_.
- ☐ The defendant must pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution, is modified as follows:

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A**    ☒    Lump sum payment of \$50.00 due immediately.
- B**    ☐    Payment to begin immediately (may be combined with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- C**    ☐    Payment in equal monthly installments of not less than \$\_\_\_\_ or 10% of the defendant's net earnings, whichever is greater, until paid in full, to commence 30 days after the date of this judgment; or
- D**    ☐    Payment in equal monthly installments of not less than \$\_\_\_\_ or 10% of the defendant's net earnings, whichever is greater, until paid in full, to commence 30 days after release from imprisonment to a term of supervision; or
- E**    ☐    Payment during the term of supervised release will commence within 30 days after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F**    ☒    Special instructions regarding the payment of criminal monetary penalties: The defendant is to make monthly payments, made payable to the Clerk of Court's Office, towards restitution under the guidance and supervision of the IRS.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐    Joint and Several  
Defendant and Co-Defendant Names, Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:
- ☐    The defendant shall pay the cost of prosecution
- ☐    The defendant shall pay the following court costs
- ☐    The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.